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August 24, 2023

Hon. Katherine Polk Failla  
United States District Court  
40 Centre Street  
New York, N.Y. 10007  
*via ECF*

**MEMO ENDORSED**

**Re: United States v. Xin Lin,**  
21 Cr. 665 (KPF)

Your Honor

I write to request an adjournment of Xin Lin's sentence which is currently scheduled for September 6, 2023 to a date in mid-October, 2023. Mr. Lin qualifies for the pending "zero point offender" guideline reduction contained in the U.S.S.G. amendments expected to go into effect November 1, 2023. I am not now requesting an adjournment until after November 1, 2023 but to a date in October as the Commission will be voting on whether to make the guideline retroactive. If that occurs, the Court may find that it is logical to vary downward based on the pending guideline before November 1, 2023.

I will be on vacation until September 11, 2023 and request a mid-October date so that I will have time to prepare and file a timely sentencing submission containing the updated guideline information after my return to the office.

The government, by Sarah Kushner, Esq., consents to this application. Therefore I request an adjournment to a date in mid-October, 2023

Respectfully  
*Lisa Scolari*  
Lisa Scolari

Application DENIED. As of at least June 2023, the Court has entertained arguments relating to the aforementioned Guidelines amendment, and has taken such arguments into consideration at sentencing. Accordingly, it sees no reason to adjourn, and will hear any such arguments at the currently-scheduled sentencing on **September 6, 2023**.

The Clerk of Court is directed to terminate the pending motion at docket number 48.

Dated: August 24, 2023  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE